

REMARKS

Specification

The Examiner objected to the specification because of informalities. Applicant has presented amendments to correct these informalities. No new matter has been included.

Claim Rejections – 35 U.S.C. §103

Claims 1-5 and 7-10 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over United States publication No. 2003/0217746 to Gradon et al. in view of United States publication No. 2003/0196658 to Ging et al. Reconsideration and withdrawal of the rejection is requested.

Applicants respectfully submit that the “membrane” of Ging that the Examiner refers to is not equivalent to the outer cover or film as claimed. The “membrane” of Ging does not cover an inner cushion, nor is it adhered to an inner cushion. Therefore, it is not an outer cover or film as required by the amended claims. Applicants submit amended claim 1 is not rendered obvious over Gradon in view of Ging. Reconsideration and allowance is requested.

Claims 2-5 and 7-10 are dependent upon claim 1 which Applicants submit is allowable. Therefore, Applicants submits that claims 2-5 and 7-10 are allowable. Reconsideration and allowance is requested.

Claim 6 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Gradon et al. in view of Ging et al. and further in view of United States Patent No. 5,518,802 to Colvin. Claims 11-13 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Gradon et

al. in view of Colvin. Claim 14 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Gradon et al. in view of Colvin and further in view of Ging et al.

Reconsideration and withdrawal of these rejections is requested.

Colvin discloses a cushion used in packaging containers. Applicants respectfully submit that is no reason for one skilled in the art to combine the cushion in Colvin with the cushion in Gradon. The cushion in Colvin has a completely separate purpose to the cushion defined in the present claims. The purpose of the cushion of the present invention is to reduce the pressure on a patient's nasal bridge by having the voids in the cushion. Therefore, there is no motivation to combine Colvin and Gradon. Accordingly, Applicants submit that claims 6 and 11-14 are not rendered obvious by the combination of Gradon, Colvin and Ging. Reconsideration and allowance of the claims is requested.

New Claims 17 and 18

Claims 17 and 18 are newly-presented. Applicant submits that the prior art of record does not disclose or suggest a method of forming a cushion including the steps of lining a cushion molded with a thin film, and injecting a foam material into the cushion mold such that the thin film covers and adheres to the foam, thus forming a foam cushion with a thin film cover. Entry, consideration and allowance is requested.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement concurrently with the patent application when originally filed on June 6, 2006. This Information Disclosure Statement is

shown in PAIR. Applicants request consideration and return of the Information Disclosure Statement filed on June 6, 2006.

In addition, Applicants note that the Examiner returned with the Office Action an Information Disclosure Statement which was filed for Serial No. 10/575,324. It appears that the Examiner inadvertently returned the Information Disclosure Statement for Serial No. 10/575,324 in this application. Clarification of this matter is requested.

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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By: 

Raiford A. Blackstone, Jr., Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903
Trexler, Bushnell, Giangiorgi,
Blackstone and Marr, Ltd.
105 W. Adams Street, 36th Floor
Chicago, Illinois 60603

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